

Amendments to the Drawings

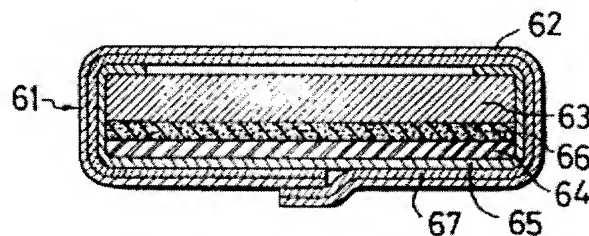
The attached sheets of drawings include changes to Figs. 1-6 and Fig. 8. These sheets replace the original sheets. In Figs. 1-6 and Fig. 8, the lines and numerals were formalized to comply with 37 CFR 1.84(I).

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS

Currently, claims 17-18, 22-28 and 32, including independent claim 17, are pending in the present application. Independent claim 17, for example, is directed to a personal care product comprising a liquid impervious baffle, a liquid pervious liner, an absorbent core positioned between the baffle and the liner, and an odor sorbent substrate positioned between the baffle and absorbent core and wrapped around the absorbent core in a manner that one or more sides remain open. The substrate has a surface that is coated with a durable activated carbon ink that consists essentially of activated carbon particles and a binder.

Independent claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,939,838 to Fujinami, et al. in view of U.S. Patent No. 6,740,406 to Hu, et al. and in further view of U.S. Patent No. 3,804,094 to Manoussos, et al.¹ Fujinami, et al. is directed to a sanitary napkin that includes a material for deodorizing menstrual fluid. One example of the sanitary napkin (61) is shown in Fig. 6, which is represented below for the Examiner's convenience:



The napkin 61 includes an absorbent layer 63 for absorbing menstrual fluid and a water-proofing layer 64 for preventing the absorbed fluid from permeating through the

¹ The Office Action initially indicated that the claims were rejected in further view of EP 348,978 to Tanzer, et al., however the remainder of the Office Action references Manoussos, et al. Applicants assume that Manoussos, et al. is the reference intended by Examiner.

undersurface of the napkin. A deodorizer is interposed between the absorbent layer 63 and the water-proofing layer 64. The deodorizer is *contained in* a sheet 66 made of cellulose fiber. Fujinami, et al. indicates that the deodorizer may be *mixed* with the cellulose fiber, or *dispersed* into a cotton web, piled body of thin paper, or powdery material made of cellulose fiber. (Col. 3).

The Office Action states that “the Fujinami sheet comprising the substrate has an inner surface into which the carbon is mixed, thus the inner surface of the odor sorbent substrate sheet can be said to be coated.” Applicants respectfully disagree. Again, Fujinami, et al. discloses mixing of the deodorizer with cellulose fiber or dispersing into a cotton web. In contrast, claim 17 calls for **coating** the surface of a substrate with a durable activated carbon ink. The presence of an activated carbon ink on the surface of the claimed odor sorbent substrate may allow for a greater degree of surface contact with malodorous compounds, thus providing increased odor reduction efficiency. Applicants respectfully submit that this is not simply an obvious design choice. In fact, one of ordinary skill in the art would reasonable expect that the 80 to 240 mesh activated carbon powder² would readily rub off of the surface of a cellulose fiber sheet due to its relatively large particle size.

Additionally, the Office Action states that Fujinami, et al. discloses a binder as required by claim 17. Applicants respectfully disagree. The Office Action points to the excerpt from Fujinami, et al. that states that chlorophyll may be sprayed onto the cellulose fiber. Col. 3, lines 50-53. Applicants submit that chlorophyll does not act as a

² Fujinami, et al. Col. 3, line 37

binder in Fujinami, et al. (thus, the carbon particles are *mixed* or *dispersed*).

Chlorophyll is useful as an odor controlling means.³

Additionally, as noted by the Office Action, Fujinami, et al. fails to disclose an odor sorbent substrate positioned between the baffle and absorbent core and wrapped around the absorbent core as required by claim 17. The Office Action attempts to combine with Manoussos, et al. to render obvious the limitations of claim 17.

Manoussos, et al. is directed to an absorbent material with a fluid permeable outer portion impregnated with deodorizing amounts of periodic acid.

The Office Action states that Manoussos teaches an odor sorbent substrate wrapped around an absorbent core. Applicants respectfully disagree. Manoussos, et al. discloses that the absorbent core is surrounded by a fluid permeable outer portion. Col. 3, lines 24-25. By Examiner's own claim language interpretation, "the terminology 'wrapped around' is considered as covered so that one or more sides are left open." Thus, the encompassing wrap of Manoussos, et al. can certainly not be said to anticipate the claim language "wrapped around" as defined by Examiner. For clarification, Applicants have amended independent claim 17 to include the language that one or more sides remain open.

As a final matter, previously dependent claim 33 was rejected in the Office Action stating "Fujinami teaches the substrate positioned between the baffle and the absorbent core and wrapped around the bottom side of the core, thus one or more sides of the care are left open." Applicants submit that one of ordinary skill in the art would

³ See, for instance, EP 1 543 847 to Corona, et al. entitled "Use of chlorophyll for controlling unpleasant odors in disposable absorbent articles."

recognize that “wrapped around” is construed as covering more than one side (otherwise it’s not wrapped).

Finally, Applicants emphasize that the issue in conducting an analysis under 35 U.S.C. § 103(a) is not whether a theoretical re-design of a device is *possible* or that it might be *obvious to try* the modification. Instead, the issue hinges on whether the claimed invention *as a whole* would have been obvious. In this case, the Office Action parsed and dissected only certain portions of the references, and then used these dissected portions in a way that would require a substantial reconstruction of the references. Clearly, the Office Action is using the present application as a “blueprint” for selectively re-designing the reference, which is improper under 35 U.S.C. § 103. Thus, for at least the reasons set forth above, Applicants respectfully submit that one of ordinary skill in the art would not have found it obvious to modify the references in the manner suggested in the Office Action.

Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claims 17 patentably defines over the cited references. Further, at least for the reasons indicated above relating to corresponding independent claim 17, the corresponding dependent claims also patentably define over the references cited. However, the patentability of the dependent claims certainly does not hinge on the patentability of the independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Chapman is invited

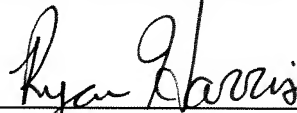
Appl. No. 10/723,761
Amdt. dated Nov. 28, 2007
Reply to Office Action of Aug. 22, 2007

and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read "Ryan P. Harris", is written over a horizontal line.

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Attachments